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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,491	03/10/2004	Krisztian Kiss	P3392US00	5661
36671 7590 09/20/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER				
BRANDT, CHRISTOPHER M				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
09/20/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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### Office Action Summary

**Application No.**

10/797,491

**Applicant(s)**

KISS ET AL

**Examiner**

CHRISTOPHER M. BRANDT

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6, 13, 16-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 13, 16-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/16/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Action is in response to applicant's amendment/arguments submitted on December 31, 2009. **Claims 6, 13, 16-18, 20, and 21** are now pending in the present application.

### ***Response to Arguments***

Applicant's arguments with respect to claims 6, 13, 16-18, 20, and 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 6, 13, 17, 18, and 20** are rejected under 35 USC 103(a) as being unpatentable over **Zhao et al. (US PG PUB 2005/0153500 A1, hereinafter Zhao)** in view of **Anantha et al. (US PG PUB 2005/0177647 A1, hereinafter Anantha)**.

Consider **claim 6 (and similarly applied to claims 13 and 20)**. Zhao discloses an apparatus comprising a processor and a memory storing executable instructions that in response to execution by the processor cause the apparatus (paragraph 38) to at least perform the following,

subscribe to a push service on behalf of the other apparatus, the apparatus operating in a public network across from a mobile network or in a private network within which another apparatus is operating (paragraphs 29, 39, 40, 44, read as a wireless data device that operates in a Code Division Multiple Access (CDMA2000) mixed circuit switched and packet switched network, a Public Switched Telephone Network (PSTN), Internet and push servers, where the other apparatus is read as the wireless data device and the apparatus is read as the push server, where the push server acts on behalf the wireless data device);

receive push content in accordance with the push service (paragraph 42, read as the push server receives a data active message or a data inactive message);

initiate a data session with the other apparatus in response to receiving the push content to thereby direct the other apparatus in accordance with establishment of the data session

(paragraph 44, read as the push server commences serving the wireless data device based on the data active message); and

send the push content to the other apparatus based upon the registration (paragraph 44, read as pushing data traffic to the wireless data device based on the data active message).

Zhao substantially discloses the claimed invention but fails to teach wherein the apparatus registers the other apparatus by receiving a registration message from the other apparatus via at least one a network address translator (NAT) or a firewall (FW) located between the apparatus and the other apparatus and across the public network, and by acquiring a public-network identity of the other apparatus.

However, Anantha teaches wherein the apparatus registers the other apparatus by receiving a registration message from the other apparatus via at least one a network address translator (NAT) or a firewall (FW) located between the apparatus and the other apparatus and across the public network, and by acquiring a public-network identity of the other apparatus (paragraph 51, read as the registration request is received at the private network boundary, where this request is received at the network boundary device, which minimally functions as an edge router that performs network address translation and optionally functions as a firewall).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Anantha into the invention of Zhao in order to provide a more efficiently and easily route the registration packet to the private network.

Consider **claim 17 and as applied to claim 20**. Zhao discloses wherein the apparatus subscribes to the push service based on registration, and receives the push content based upon the subscription (paragraphs 42, 44).

Consider **claim 18 and as applied to claim 20**. Zhao discloses wherein the apparatus receives direction by receiving a trigger from the other apparatus independent of the public network to thereby trigger communicating with the other apparatus and register with the other apparatus (paragraph 36).

**Claim 16** is rejected under 35 USC 103(a) as being unpatentable over **Zhao et al. (US PG PUB 2005/0153500 A1, hereinafter Zhao)** in view of **Anantha et al. (US PG PUB 2005/0177647 A1, hereinafter Anantha)** and further in view of **Gielow et al. (US PG PUB 2005/0188406 A1, hereinafter Gielow)**.

Consider **claim 16 and as applied to claim 20**. Zhao and Anantha disclose the claimed invention but fail to explicitly teach wherein the apparatus instructs the another apparatus to subscribe to the push service and to receive and store in a buffer the push content, and the apparatus receives the push content from the buffer in accordance with the data session.

However, Gielow teaches wherein the apparatus instructs the another apparatus to subscribe to the push service and to receive and store in a buffer the push content, and the apparatus receives the push content from the buffer in accordance with the data session (paragraph 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Gielow into the invention of Zhao and Anantha in order to maximize content quality while minimizing burdens on network traffic.

**Claim 21** is rejected under 35 USC 103(a) as being unpatentable over **Zhao et al. (US PG PUB 2005/0153500 A1, hereinafter Zhao)** in view of **Anantha et al. (US PG PUB**

**2005/0177647 A1, hereinafter Anantha)** and further in view of **El-Beik et al. (US PGPUB 2005/0117595 A1, hereinafter El-Beik).**

Consider **claim 21 and as applied to claim 20.** Zhao and Anantha disclose the claimed invention but fail to explicitly teach wherein the another apparatus comprises a Session Initiation Protocol (SIP) proxy.

However, El-Beik teaches wherein the another apparatus comprises a Session Initiation Protocol (SIP) proxy (paragraph 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of El-Beik into the invention of Zhao and Anantha in order to more efficiently provide connectionless services.

### **Conclusion**

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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**Hand-delivered responses** should be brought to

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Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Brandt whose telephone number is (571) 270-1098.

The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Christopher M Brandt/

Examiner, Art Unit 2617

September 10, 2010



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/George Eng/

Supervisory Patent Examiner, Art Unit 2617